

HOUSE BILL 522
By Pleasant

AN ACT to amend Tennessee Code Annotated, Title 49, relative to public education in Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-4-704, is amended by deleting the section in its entirety and by substituting instead the following:

§49-4-704.

(a) This section shall be known and may be cited as the "Dependent Children Scholarship Act."

(b) As used in this section, unless the context otherwise requires:

(1) "Corporation" means the Tennessee student assistance corporation;

(2) "Dependent child" means a natural child, stepchild or adopted child, who is either living with or receiving regular support contributions from a law enforcement officer, firefighter or emergency medical service technician at the time of the employee's death or total and permanent disability. "Dependent child" includes a posthumous child;

(3) "Educational institution" or "institution" means any institution in Tennessee offering postsecondary vocational or undergraduate education which

has been authorized to enroll students receiving grants of financial assistance from the corporation under the Tennessee student assistance program;

(4) "Emergency medical service technician" means an individual who possesses a valid certificate issued pursuant to title 68, chapter 140;

(5) "Firefighter" is defined as in § 4-24-201 or a bona fide member of a volunteer fire department;

(6) "Law enforcement officer" means any police officer of a Tennessee municipality; any commissioned member of the department of safety, the wildlife resources agency, or the Tennessee bureau of investigation; any Tennessee county sheriff or deputy sheriff actually engaged in law enforcement or correctional services; any correctional officer employed by the department of correction; any correctional officer employed by the department of children's services; or any other state or local public employee commissioned to carry a firearm when engaged in the performance of job-related duties.

(7) "Resident" means a person who was a resident of Tennessee at the time the law enforcement officer, firefighter or emergency medical service technician died or became totally and permanently disabled, or a person who would meet the standards established by the board of regents under the authority of § 49-8-104 for determining a student's residency for tuition purposes; and

(8) "Totally and permanently disabled" means unable to engage in any substantial gainful activity because of a medically determinable impairment which is certified by a licensed physician and is expected to continue for a long and indefinite period of time or to result in death.

(c) A Tennessee resident who is a dependent child of a law enforcement officer, a firefighter or an emergency medical service technician who has been killed or totally and permanently disabled while performing duties within the scope of such employment

may receive a scholarship provided by this section, except to the extent the dependent child receives educational benefits or scholarship aid from other sources. The corporation shall require a dependent child to also apply to other government programs of student grant assistance for which, in the judgment of the corporation, the dependent child is eligible.

(d) Every dependent child desiring a scholarship under the provisions of this section shall make application to the corporation. The application shall be accompanied by evidence satisfactory to the corporation that the law enforcement officer, firefighter or emergency medical service technician was killed or totally and permanently disabled while performing duties within the scope of such employment. The application shall also be accompanied by the certification of the financial aid officer of the institution the dependent child plans to attend, stating that the dependent child has been accepted for admission and setting forth the costs of attending the institution and the amount of financial assistance to be provided from other sources.

(e) To the extent funds are available, the corporation shall award a scholarship to any eligible applicant for full-time postsecondary undergraduate or vocational study at an eligible educational institution. If funds are insufficient to provide scholarships to all eligible applicants, awards shall be based on the financial need of the student as determined by guidelines established by the corporation. Except as provided by other scholarship or educational aid programs, the scholarship award shall include tuition and other required fees and allowances for books, supplies and room and board.

(f) The duration of a scholarship award shall be four (4) academic years or the period required for the completion of the appropriate course of study, whichever is less; provided, that a scholarship recipient enrolled in an undergraduate degree program which requires more than four (4) academic years for completion may apply to the corporation during the fourth year for an extension of the scholarship award to the fifth

year, in which event duration of the award shall not exceed five (5) years. Upon certification by the educational institution that the recipient has successfully completed the fourth year of study of an approved five-year program, the corporation shall extend the scholarship award to the fifth year.

(g) Payment of scholarships shall be made directly to the recipient in approximately equal installments at the beginning of each academic term upon receipt by the corporation of evidence that the recipient is officially enrolled in an eligible educational institution.

(h) Payment of scholarships shall immediately terminate if at any time the recipient ceases to continue as a full-time student in good standing and making satisfactory progress in the institution in which the recipient is enrolled. With the approval of the corporation, the recipient may transfer to another educational institution if the course of study so requires or if it appears to the corporation that it is in the best interest of the recipient to make a transfer.

(i) The corporation is hereby authorized and directed to make such rules and regulations governing the making of scholarships as it deems necessary to carry out and to make effective the purposes of this section.

SECTION 2. The provisions of this act are declared to be remedial in nature and the provisions of this act shall be liberally construed to effectuate its purposes.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2003, the public welfare requiring it.